Wisconsin. Laws, statutes, etc.

WISCONSIN

CORRUPT PRACTICES LAW

Chapter 650, 1911

COMPILED UNDER DIRECTION OF
J. A. FREAR, Secretary of State

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CORRUPT PRACTICES ACT.

Definitions. SECTION 94—1. The following words and phrases as used in sections 94—1 to 94—39 of the statutes shall be construed as follows:

(1) Any act shall be deemed to have been done for "political purposes" when the act is of a nature, is done with the intent, or is done in such a way, as to influence or tend to influence, directly or indirectly, voting at any election or primary, or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" shall mean and include every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered except candidates for president and vice president of the United States.

(3) The term "disbursement" shall mean and include every act by or through which any money, property, office or position or other thing of value passes or is directly or indirectly conveyed, given, provided, paid, expended, promised, pledged, contributed or lent, and also any money, property, office or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

(4) The term "filing officer," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate, if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city or village in which such candidate resides. *(1911 c. 650)*

Disbursement contrary to law. SECTION 94—2. 1. No person shall receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement made for political purposes contrary to law.

Lack of knowledge a defense. 2. In any prosecution for the violation of this section, it shall be a defense if the accused person shall prove that he had neither knowledge that such disbursement constituted a disbursement made for political purposes contrary to law, nor any reasonable cause to believe that it constituted such disbursement. *(1911 c. 650)*

Disbursements, by whom made. SECTION 94—3. No candidate shall make any disbursement for political purposes except under his personal direction which for every purpose shall be considered his act, through a party committee, or through a personal campaign

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committee, whose authority to act shall be filed, as provided in section 94—4 of the statutes. *(1911 c. 650)*

Personal campaign committee: appointment; filing; presumption of authority. SECTION 94—4. Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, express or implied, to make any disbursement in his behalf, it shall file with the filing officer of such candidate, a written statement, signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof, and the name and address of the secretary thereof. If such campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under sections 94—1 to 94—39, inclusive, of the statutes, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same. *(1911 c. 650)*

Disbursements by persons other than candidates and committees. SECTION 94—5. No person or group of persons, other than a candidate or his personal campaign committee or a party committee, shall make any disbursement for political purposes otherwise than through a personal campaign committee or a party committee, except that expenses incurred for rent of hall or other rooms, for hiring speakers, for printing, for postage, for advertising, for distributing printed matter, for clerical assistance and for hotel and traveling expenses may be contributed and paid by a person or group of persons residing within the county where such expenses are incurred. *(1911 c. 650)*

Disbursements authorized by candidates. SECTION 94—6. 1. No candidate shall make any disbursement for political purposes except:

(1) For his own personal hotel and traveling expenses and for postage, telegraph and telephone expenses.

(2) For payments which he may make to the state pursuant to law.

(3) For contributions to his duly registered personal campaign committee.

(4) For contributions to his party committee.

(5) For the purposes enumerated in section 94—7 of the statutes, when such candidate has no personal campaign committee, but not otherwise.

2. After the primary, no candidate for election to the United States senate shall make any disbursement in behalf of his candidacy, except contributions to his party committees, for his own actual necessary personal traveling expenses, and for postage, telephone and telegraph expenses, and for payments which he may make to the state pursuant to law. *(1911 c. 650)*

Disbursements authorized by committees. SECTION 94—7. No party committee nor personal campaign committee shall make any disbursement except:

(1) For maintenance of headquarters and for hall rentals, incident to the holding of public meetings.

(2) For necessary stationery, postage and clerical assistance to be employed for the candidate at his headquarters or at the headquarters of the personal campaign committee, incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines, as provided in this act.

(5) For wages and actual necessary personal expenses of public speakers.

(6) For traveling expenses of members of party committees or personal campaign committees. *(1911 c. 650)*

Claims against candidates or committees must be presented within 10 days after primary or election. SECTION 94—8. Every person who shall have any bill, charge or claim upon or against any personal campaign committee, any party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge or claim within ten days after the day of the election or primary in connection with which such bill, charge or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election. *(1911 c. 650)*

Financial statement; when filed. SECTION 94—9. 1. Every candidate, the secretary of every personal campaign committee and the secretary of every party committee shall on the second Saturday occurring after such candidate or committee has first made a disbursement or first incurred any obligation, express or implied, to make a disbursement for political purposes, and thereafter, on the second Saturday of each calendar month, until all disbursements shall have been accounted for, and also on the Saturday preceding any election or primary, file a financial statement verified upon the oath of such candidate or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported under the provisions of each subdivision of subsection 2 of this section in a separate total.

Where filed. 2. The statement of every candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state central committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a state senatorial district, or for an assembly district, shall be filed with the filing officer of the candidate for state senator or assemblyman in such district. The statement of every other

party committee shall be filed in the office of the county clerk of the county for which or for a subdivision of which it is the party committee.

Items specified. 3. Each such statement shall give in full detail:

Money and thing of value received. (1) Every sum of money and all property, and every other thing of value, over five dollars in amount or value, received by such candidate or committee during such period from any source whatsoever which he uses or has used, or it is at liberty to use for political purposes, together with the name of every person from which each was received, the specific purpose for which each was received, and the date when each was received, together with the total amount received from all sources in any amounts or manner whatsoever.

Promise or pledge received. (2) Every promise or pledge of money, property or other thing of value, over five dollars in amount or value received by such candidate or committee during such period, the proceeds of which he uses or has used, or it is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the specific purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner whatsoever.

Disbursements made. (3) Every disbursement over five dollars in amount or value made by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

Obligations incurred. (4) Every obligation, express or implied, to make any disbursement, over five dollars in amount or value, incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purpose for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

Blank statements, etc.; furnishing, distribution. 4. Blanks for all statements required by this section shall be prepared by the secretary of state and copies thereof, together with a copy of this act, shall be furnished through the county clerk or otherwise, as the secretary of state may deem expedient, to the secretary of every personal campaign committee and to the secretary of every party committee and to every candidate upon the filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

Construction. 5. Nothing contained in this act shall be construed to affect in any manner the provisions of sections 4543c and 4543c—1 of the statutes. *(1911 c. 650)*

Failure to file expense statement by primary nominee; disqualification. SECTION 94—10. The name of a candidate chosen at a

primary election or otherwise shall not be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nominations required by this act. *(1911 c. 650)*

Disbursements by persons other than candidates and committees. SECTION 94—11. 1. Every person other than a candidate or a personal campaign or party committee, who shall within any twelve months, make any disbursements for any political purpose, exceeding in the aggregate fifty dollars in amount and value, shall file within forty-eight hours after making any disbursement, causing the aggregate of such disbursements to reach such amount, a sworn statement thereof with the clerk of the county wherein he resides.

Items specified. 2. Such statement shall give in full detail, with date, every item of money, property or other thing of value constituting any part of such disbursements, the exact means by which and the manner in which each such disbursement is made, and the name and address of every person to whom each was made, and the specific purpose for which each was made. *(1911 c. 650)*

Solicitation for religious, charitable or fraternal organizations prohibited. SECTION 94—12. 1. No person shall demand, solicit, take, invite or receive from any candidate, from any personal campaign committee or member thereof, or from any party committee or member thereof, any payment or contribution or obligation, express or implied, for payment or contribution of money or thing of value for any religious, charitable or fraternal cause or organization, except for personal campaign committees or regular party committees.

Payment to or promise prohibited. 2. No such candidate, committee or member thereof, shall make or promise or intimate that he will or may make such payment or contribution in the future.

Regular subscriptions and contributions. 3. Nothing herein contained shall prohibit the payment of the regular subscription or contribution by any person to an organization of which he is a member, or to which he may have been a regular contributor, prior to his candidacy or membership on such committee, nor the ordinary contributions at a regular church service. *(1911 c. 650)*

Payments for services primary and election day prohibited; registration, transportation. SECTION 94—13. No person nor personal campaign or party committee shall pay or incur any obligation, express or implied, to pay, any sum of money or thing of value whatever, for services to be performed on the day of any primary or election, in behalf of any candidate, party or measure, to be voted upon at said primary or election; or for any political service performed on such day, or for any loss of time or damage suffered by attendance at the polls at the primary or election, or in registering for voting, or for the expense of transportation of any voter to or from the polls on such day. *(1911 c. 650)*

Newspapers and periodicals; paid advertisements. SECTION 94—14. 1. No publisher of a newspaper or other periodical shall insert, either in the advertising column of such newspaper or periodical or elsewhere therein, any matter paid for or to be paid

for which is intended or tends to influence, directly or indirectly, any voting at any election or primary, unless at the head of said matter is printed in pica capital letters the words "Paid Advertisement," and unless there is also a statement at the head of said matter of the amount paid or to be paid therefor, the name and address of the candidate in whose behalf the matter is inserted, and of any other person, if any, authorizing the publication, and the name of the author thereof.

Persons financially interested in; statement. 2. Every person occupying any office or position under the constitution or laws of this state, or under any ordinance of any town or municipality herein, or under the constitution or laws of the United States, the annual income of which shall exceed three hundred dollars, and every candidate, every member of any personal campaign or party committee, who shall either in his own name, or in the name of any other person, own any financial interest in, any newspaper or periodical, circulating in part or in whole in Wisconsin, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in subsection 1 hereof, which is intended or tends to influence, directly or indirectly, any voting at any election or primary in this state, file in the office of the county clerk of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this act, prior to the filing of such verified declaration from every person required by this subsection to file such declaration, shall be deemed guilty of a violation hereof. *(1911 c. 650)*

Newspaper disbursements prohibited. SECTION 94—15. No owner, publisher, editor, reporter, agent or employe of any newspaper or other periodical, shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent or employe, directly or indirectly, for influencing or attempting to influence through any printed matter in such newspaper any voting at any election or primary through any means whatsoever, except through the matter inserted in such newspaper or periodical as "paid advertisement," and so designated as provided by law. *(1911 c. 650)*

Circulars to contain name and address of author and candidate. SECTION 94—16. No person shall publish, issue or circulate or cause to be published, issued or circulated otherwise than in a newspaper, as provided in subsection 1, of section 94—15, any literature or any publication tending to influence voting at any election or primary, which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued or circulated, and the name and address of any other person causing the same to be published, issued or circulated. *(1911 c. 650)*

Publishing false statements relative to candidates. SECTION 94—17. No person, firm or corporation shall knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, which statement is intended or tends to affect any voting at any primary or election. *(1911 c. 650)*

Promise of appointment and employment by candidates. SECTION 94—18. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination or election of any person to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination. *(1911 c. 650)*

Notice or threats by employers to influence political opinions of employes. SECTION 94—19. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employes, any printed or written matter containing any threat, notice or information, that in case any particular ticket of a political party or organization or candidate shall be elected, or any measure referred to a vote of the people, shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. *(1911 c. 650)*

Primary pamphlet; statements for publication; filing. SECTION 94—20. 1. Any candidate for nomination to any state or legislative office, or for the office of senator or representative in congress, who intends to file nomination papers as provided by law, may by himself or through his personal campaign committee or through any other person authorized by him, not later than the fortieth day preceding the September primary, file with the secretary of state for publication in pamphlet form as hereinafter provided, a typewritten or printed statement, duly signed and verified as hereinafter provided, with or without his portrait cut of suitable size and nature for such pamphlet, giving the reasons why he should be nominated.

Space limit. 2. The statement and portrait, if any, for each candidate for member of the state legislature shall not occupy to exceed one page as printed in the pamphlet. The statement for each other candidate herein provided for shall not exceed two pages as printed therein. *(1911 c. 650)*

Compilation and printing by secretary of state. SECTION 94—21. Not later than the thirty-fifth day before the September primary, the secretary of state shall compile, prepare and cause to be printed in pamphlet form for each state senatorial district separately, the statements filed for the candidates to be voted for therein, placing the statement relative to the candidate for governor first, followed in order by those of the candidates for the other state offices, for presidential electors, for United States senator, for member of congress, state senator and assemblyman. *(1911 c. 650)*

Mailing. SECTION 94—22. At least ten days before the primary, the secretary of state shall forward by mail to each voter

in the state, who appears on the list forwarded to him as provided in section 62n of the statutes, as made up from voters voting at the last general election, a copy of the pamphlet provided for herein for such primary. *(1911 c. 650)*

Election pamphlet; statements for publication; filing. SECTION 94—23. 1. Not later than the fortieth day before the general election the nominee of any political party or any independent candidate for any state or legislative office, or for the office of senator or representative in congress may, by himself or through his personal campaign committee or his party committee or through any other person authorized by him, file with the secretary of state for publication as hereinafter provided for, a typewritten or printed statement duly signed and verified as provided herein, with or without his portrait cut, giving the reasons why he should be elected.

State central committee. 2. The state central committee of any political party, entitled by law to have the names of its candidates placed upon the official ballot in a general election, may also file with the secretary of state, on or before the thirty-eighth day before the general election, a typewritten or printed statement containing such matter as it wishes published, duly verified as provided herein, giving the reasons why the principles of said party should prevail, and why its nominees should be elected. Such statement so filed may include duly authenticated copies of all or any portion of the state or national party platforms of such political party. Such state central committee or some one authorized by it may also file with the secretary of state prior to such date, a statement relative to any amendment to the constitution to be voted on by the people at said election, or relative to any law to be submitted to the vote of the people of the state of Wisconsin at such election, which statement shall occupy in the aggregate not to exceed five pages of such pamphlet.

Constitutional amendments. 3. The secretary of state shall cause to be printed in such pamphlet to be circulated prior to such general election, as provided herein, a full and accurate copy of every constitutional amendment to be voted upon by the people at such election, and a full and accurate copy of every law to be submitted to the vote of all the electors of the state of Wisconsin at such election.

Space limit. 4. The statement for and the portrait, if any, of each candidate for member of the state legislature shall not occupy to exceed one page as printed in the pamphlet. The statement or the portrait, if any, of each other candidate herein provided for shall not exceed two pages as printed therein.

Construction. 5. Nothing herein contained shall be construed to prevent any candidate from granting to a party committee the privilege of occupying any space allowed to such candidate in the pamphlets herein provided for.

Constitutional amendments; statement, fee. 6. Any person or group of persons other than the candidates or personal campaign or party committees may file with the secretary of state, not later than the forty-fifth day before the general election, statements giving the reason why any constitutional amendments or law submitted to the vote of the electors of the state should be favorably or unfavorably considered by the electors; provided, that with

such statement there is filed a sum sufficient to pay three hundred dollars per page as printed in such pamphlet. *(1911 c. 650)*

Compilation, printing by secretary of state. SECTION 94—24. Not later than the thirty-fifth day before the general election, the secretary of state shall compile, prepare and cause to be published in pamphlet form, for each state senatorial district separately, all resolutions provided for amendments to the constitution, all laws required to be submitted to a vote of the electors of the state, and if the law relative thereto has been complied with, all arguments concerning such amendments and laws, the statements filed by the party committee giving reasons why the principles of said party should prevail and why its nominees should be elected, and the statements filed referring to the candidates to be voted for at such election, placing the statements relative to the candidates for governor first, followed in order by those of the candidates for the other state offices, for presidential electors, for United States senator, for member of congress, for state senator and for assemblyman. *(1911 c. 650)*

Mailing. SECTION 94—25. At least ten days before the general election the secretary of state shall forward by mail to every voter in every senatorial district in the state, who appears on the list forwarded to him as provided in section 62n of the statutes, a copy of the pamphlet provided for herein for such voter. *(1911 c 650)*

False and libelous statements; author liable. SECTION 94—26. 1. Nothing in this act shall exempt the authors of any statement or statements provided for by this act from any civil or criminal action, penalty or liability for any false, slanderous or libelous statement offered for printing or contained in the pamphlet hereinafter provided for.

Author. 2. Any person or persons procuring, making or presenting any such statement for filing or assisting in so doing shall be deemed the authors and publishers thereof.

Verification. 3. No statement for publication in the pamphlets provided for in this act shall be published, unless it is verified upon the oath of the person filing it, in a verification which shall in substance declare that every allegation therein purporting to be a statement, relative to any existing fact, is true to the knowledge of the affiant. But no such verification shall be printed in the pamphlet sent to the voters.

Joint statements. 4. Any number of candidates may file joint statements to be published in any such pamphlet, but the space occupied by such joint statements shall be paid for at the highest rate chargeable to any of the candidates joining therein.

Size, type, paper. 5. The pages of the pamphlet required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight point, Roman faced type, single leaded and twenty-five ems pica in width and with proper heads. In the foot margin of every page of the pamphlets for the primary shall be shown the authority for the information therein, as "This information furnished by (name of candidate or committee)." Such pamphlet shall be printed upon twenty-four by thirty-six inch, thirty-five pound, number one print paper, or upon paper substantially equivalent thereto in weight, quality and cost.

Extra copies. 6. Extra copies of any such pamphlet shall be furnished to candidates and committees, who before the date of completion of the compilation thereof, deposit with the secretary of state a sufficient sum to cover the cost of the publication of the number desired.

Number printed. 7. In preparing pamphlets for distribution prior to the primary and general election, the secretary of state shall provide copies to the number of twenty per cent more than the number of voters whose addresses he has upon the list provided for by law, and from such number shall forward to any elector applying therefor a copy of the pamphlet applied for.

Payment of fee. 8. Every sum required to be paid for publication of any matter in any pamphlet, as provided for in this act, shall be deposited with the secretary of state when the matter for publication is presented for filing. *(1911 c. 650)*

Publication fee, either pamphlet. SECTION 94—27. 1. Each candidate for nomination or election shall pay for the space which he elects to use in either of the two pamphlets herein provided for at the rate per page as follows:

Federal. (1) Each candidate for the office of United States senator in congress, or presidential elector, three hundred dollars for the first page or any fraction thereof, and one hundred fifty dollars for the second page or any fraction thereof. Each candidate for the office of representative in congress, two hundred dollars for the first page or any fraction thereof, and one hundred dollars for the second page or any fraction thereof.

State. (2) Each candidate for a state office, three hundred dollars for the first page or any fraction thereof, and one hundred fifty dollars for the second page or any fraction thereof, except the candidate for lieutenant-governor, who shall pay at the rate of one hundred dollars for each page allowed him or any fraction thereof.

State senator. (3) Each candidate for member of the state senate, sixty dollars for the page allowed him or any fraction thereof.

Assemblyman. (4) Each candidate for member of the assembly, twenty dollars for the page allowed him or any fraction thereof.

State central committees. 2. The state central committee of any political party authorized to file the statements provided for in subsection 2, of section 94—24, of the statutes, shall pay at the rate of three hundred dollars per page for the matter, giving the reasons why the principles of said party should prevail, and why its nominee should be elected, but no charge shall be made for the space occupied by statements filed by such state central committee, or by some one authorized by it relative to any constitutional amendment, or to any law to be voted for by the electors at such election. Nor shall any charge be made for the space occupied by the constitutional amendments or laws to be voted upon at such election. *(1911 c. 650)*

Disbursements by candidates; amount limited. SECTION 94—28. 1. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on

behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state in his campaign for nomination or election, which shall be in the aggregate in excess of the amounts herein specified, namely:

(1) For United States senator, seven thousand five hundred dollars.

(2) For representative in congress, two thousand five hundred dollars.

(3) For governor, judge of the supreme court or state superintendent of schools, five thousand dollars.

(4) For other state officers, two thousand dollars.

(5) For state senator, four hundred dollars.

(6) For member of assembly, one hundred fifty dollars.

(7) For presidential elector at large, five hundred dollars, and for presidential elector for any congressional district, one hundred dollars.

(8) For any county, city, village or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which such person would, if elected, be entitled during the first year of his incumbency of such office. If such person when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, twenty-five dollars and no more.

Authority to disburse; delegation; amount; limit. 2. Any candidate may delegate to his personal campaign committee or to any party committee of his party, in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this section, but the total of all disbursements by himself, by his personal campaign committee in his behalf, by all party committees in his behalf, or otherwise made in his behalf, shall not exceed in the aggregate the amounts in this section specified, except as provided in section 94—30 of the statutes. *(1911 c. 650)*

Committee disbursements; amount; limit. SECTION 94—29. 1. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any party committee, or by or on behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided in section 94—29 of the statutes.

State central committee; additional disbursements. 2. The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election may, however, in addition to the disbursements and obligations to make disbursements provided for in subsection 1 hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of ten thousand dollars.

Limit. 3. Nothing contained in this act shall be construed to authorize the state central committee of any political party to make disbursements in connection with any general election, in excess

in the aggregate of ten thousand dollars, and every disbursement by any such committee in excess of such amount is forbidden. *(1911 c. 650)*

Prosecutions, proceedings by electors. SECTION 94—30. 1. If any elector of the state shall have within his possession information that any provision of sections 94—1 to 94—38, inclusive, of the statutes, has been violated by any candidate for which such elector had the right to vote, or by any personal campaign committee of such candidate, or any member thereof, he may, by verified petition apply to the county judge of the county in which such violation has occurred, to the attorney-general of the state, or to the governor of the state, for leave to bring a special proceeding to investigate and determine whether or not there has been such violation by such candidate or by such committee or member thereof, and for appointment of special counsel to conduct such proceeding in behalf of the state.

Leave to bring action. 2. If it shall appear from such petition or otherwise that such candidate, committee or member thereof has violated any provision of this act, and that sufficient evidence is obtainable to show that there is probable cause to believe that such proceeding may be successfully maintained, then such judge or attorney-general or governor, as the case may be, shall grant leave to bring such proceeding and shall appoint special counsel to conduct such proceeding.

Special proceeding. 3. If such leave be granted and such counsel appointed such elector may, by a special proceeding brought in the circuit court in the name of the state upon the relation of such elector, investigate and determine whether or not such candidate, committee or member thereof, has violated any provision of this act, but nothing contained in this act shall be considered as in any way limiting the effect or preventing the operation of remedies now in existence in such cases. *(1911 c. 650)*

Summons and complaint; service. SECTION 94—31. 1. In such proceeding the complaint shall be served with the summons, and shall set forth the name of the person whose election is contested, and the grounds of the contest in detail, and shall not thereafter be amended except by leave of the court. The summons and complaint in the proceeding shall be filed within five days after service thereof.

Answer. 2. The answer to the complaint shall be served and filed within ten days after the service of the summons and complaint. Any allegation of new matter in the answer shall be deemed controverted by the adverse party without reply, and thereupon said proceeding shall be at issue and stand ready for trial upon five days' notice of trial.

Trial; precedence; without jury. 3. All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the court shall always be deemed open for the trial thereof, in or out of term, and the same shall be tried and determined the same as are civil actions, but the court shall without a jury determine all issues of fact as well as issues of law.

Consolidation of proceedings. 4. If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may, in its discretion, order the proceed-

ings consolidated and heard together and may equitably apportion costs and disbursements.

Depositions. 5. The parties to such proceedings may invoke the provisions of sections 4068 and 4096 of the statutes, but two days' notice of the taking of the deposition of any witness shall be sufficent notice thereof.

Change of venue. 6. In all such proceedings either party shall have the right of change of venue, as provided by law in civil actions, but application for such change must be made within five days after service of summons and complaint, and the order for such change shall be made within three days after the making of such application and the papers transmitted forthwith, and any neglect of the moving party to procure such transmission within such time shall be a waiver of his right to such change of venue.

Judgment; costs. 7. If judgment is in favor of the plaintiff the relator may recover his taxable costs and disbursements against the person whose right to the office is contested, but no judgment for costs shall be awarded against the relator, unless it shall appear that such proceeding has been instituted otherwise than in good faith. All costs and disbursements in such cases shall be in the discretion of the court. *(1911 c. 650)*

Judgment of ouster; disqualification; filling vacancy. SECTION 94—32. 1. If the court shall find that the candidate whose right to any office is being investigated, or his personal campaign committee or any member thereof has violated any provision of this act, in the conduct of the campaign for nomination or election, and if such candidate is not one mentioned in subsection 2 hereof, judgment shall be entered declaring void the election of such candidate to the office for which he was a candidate, and ousting and excluding him from such office and declaring the office vacant. The vacancy thus created shall be filled in the manner provided by law, but no person found to have violated any provision of this act shall be eligible to fill any office or to become a candidate for any office, candidates for which have been voted for at the primary or election in connection with which such violation occurred.

Congressional and legislative offices; proceedings. 2. If such proceeding has been brought to investigate the right of a candidate for member of the state senate or state assembly or for senator or representative in congress, and the court shall find that such candidate or any member of his personal campaign committee has violated any provision of this act, in the conduct of the campaign for nomination or election, the court shall draw its findings to such effect and shall forthwith, without final adjudication, certify its findings to the secretary of state, to be by him transmitted to the presiding officer of the legislative body, as a member of which such person is a candidate.

Appeals; stay of proceedings; injunction. 3. Appeals may be taken from the determination of the court in such proceeding in the same manner as appeals may be taken as provided by law in civil actions, but the party appealing shall in no case be entitled to or obtain a stay of proceedings. No injunction shall issue in any such proceeding suspending or staying any procedure therein or connected therewith, except upon application to the

court or the presiding judge thereof, upon notice to all parties and after hearing.

No bar to criminal prosecution. 4. No judgment entered as provided for herein shall be any bar to or affect in any way any criminal prosecution of any candidate or other person. *(1911 c. 650)*

Special counsel; supreme court. SECTION 94—33. 1. If the judgment of the trial court is appealed from in such proceeding, the county judge, the attorney-general or the governor, who made the appointment of special counsel for the trial court, shall authorize such counsel so appointed, or some other person to appear as special counsel in the supreme court in such matter.

Compensation. 2. The special counsel provided for by this act shall receive a reasonable compensation for his services, not to exceed, however, twenty-five dollars per day for the time actually spent in conducting the proceedings in the trial court or upon appeal, and not to exceed ten dollars per day for the time necessarily expended in preparation therefor. Such compensation shall be audited by the secretary of state, and paid out of the state treasury upon a voucher and upon the certificate of the officer appointing such counsel to the effect that such appointment has been duly made, that the person so appointed has faithfully performed the duties imposed upon him, and that the number of days stated in such voucher have been consumed in conducting such litigation and in preparation therefor. *(1911 c. 650)*

Witnesses; incriminating testimony; penalty; perjury. SECTION 94—34. No person shall be excused from testifying in such proceeding, or in any proceeding for violation of or growing out of the provisions of this act, on the ground that his testimony may expose him to prosecution for any crime, misdemeanor or forfeiture. But no person shall be prosecuted, or subjected to any penalty or forfeiture, except forfeiture of nomination or of election to office, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding or examination, except a prosecution for perjury committed in giving such testimony. *(1911 c. 650)*

Expense accounts; failure to file; notification. SECTION 94—35. The officer with whom the expense account of any candidate for public office is required by any law of this state to be filed, shall notify such candidate of his failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall notify the district attorney of the county where such candidate resides of the fact of his failure to file, and said district attorney shall thereupon prosecute such candidate. *(1911 c. 650)*

Criminal actions; judgment. SECTION 94—36. 1. If any person shall, in a criminal action, be judged to have been guilty of any violation of this act, while a candidate for any office under the constitution or laws of this state, or under any ordinance of any town or municipality therein other than the office of state senator or member of the assembly, the court shall, after entering the adjudication of guilty, enter a supplemental judgment declaring such person to have forfeited the office in the conduct of the campaign

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for the nomination or election to which he was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

Personal campaign committee; violation; judgment. 2. If any person shall, in a similar action, be found guilty of any violation of this act, committed while he was a member of the personal campaign committee of any candidate for any such office, the court before which such action is tried, shall immediately after entering such adjudication of guilty, enter a supplemental judgment declaring such candidate to have forfeited the office in the conduct of the campaign for nomination, or election, to which such member of his personal campaign committee was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

Congressional and legislative candidates; judgment. 3. If any person shall, in a criminal action, be adjudicated guilty of any violation of this act, committed while he was a candidate for the office of state senator, member of the assembly, United States senator or representative in congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication of guilty, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

Criminal court; jurisdiction. 4. Any court having jurisdiction to enter judgment of guilty in any such criminal action is hereby vested with jurisdiction to enter such supplemental judgment, transmit a transcript thereof and issue a certificate as provided in this section. *(1911 c. 650)*

Employment of counsel by candidate. SECTION 94—37. Nothing contained in this act shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessarily incident thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate. *(1911 c. 650)*

Penalty. SECTION 94—38. Any person violating any provision of sections 94—1 to 94—38, inclusive, of the statutes, shall upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than one month nor more than one year, or by imprisonment in the state prison for a period of not less than one year nor more than three years, or by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by both such fine and imprisonment; and no person so convicted shall be permitted to take or hold the office to which he was elected, if any, or receive the emoluments thereof. *(1911 c. 650)*

Appropriation. SECTION 94—39. A sum sufficient to carry out the provisions of sections 94—1 to 94—39, inclusive, of the statutes, not to exceed the sum of fifteen thousand dollars, is appropriated annually out of any money in the treasury not otherwise appropriated. *(1911 c. 650)*